

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT) C.A. No. 05-356-KAJ
INFRINGEMENT LITIGATION) (consolidated)

STIPULATED ORDER AMENDING REVISED SCHEDULING ORDER

WHEREAS, in the January 12, 2006 Revised Scheduling Order (D.I. 81) the sequence of dates for (i) the exchange of lists of claim terms needing construction, (ii) the meet-and-confer to work on a joint claim construction chart, (iii) the filing of the joint claim construction chart, and (iv) claim construction briefing (collectively, the "Dates At Issue") began upon the conclusion of expert discovery;

WHEREAS, by stipulated order (D.I. 296) the close of expert discovery was extended to November 10, 2006 (by agreement, two expert depositions will take place shortly after that date), but the parties inadvertently failed to propose corresponding extensions of the Dates At Issue (including the November 17th date for claim construction briefs) in order to maintain the overall structure of the schedule;

WHEREAS, the parties now wish to correct that oversight via the scheduling revisions set forth below, which, if permitted, still will result in all claim construction and summary judgment briefing being completed by the current summary judgment deadline of December 22, 2006, which is nearly a month before the January 18, 2007 hearing on summary judgment and claim construction; now therefore,

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and Order of the Court, that the following deadlines shall be extended to the dates indicated, but that the balance of the January 12, 2006 Revised Scheduling Order shall remain unchanged:

Exchange of claim terms needing construction	November 10, 2006
Meeting regarding joint claim construction chart	November 27, 2006
Filing of joint claim construction chart	December 4, 2006
Opening claim construction briefs	December 4, 2006
Answering claim construction briefs ¹	December 20, 2006

ASHBY & GEDDES

/s/ Steven J. Balick

Steven J. Balick (I.D. # 2114)
 John G. Day (I.D. # 2403)
 Tiffany Geyer Lydon (I.D. #3950)
 222 Delaware Avenue, 17th Floor
 P.O. Box 1150
 Wilmington, DE 19899
 302-654-1888
Attorneys for Plaintiffs

PHILLIPS GOLDMAN & SPENCE, P.A.

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (I.D. 110)
 Brian E. Farnan (I.D. 4089)
 1200 North Broom Street
 Wilmington, DE 19806
 302-655-4200
*Attorneys for Defendants Barr Laboratories,
 Inc. and Barr Pharmaceuticals, Inc.*

RICHARDS LAYTON & FINGER, P.A.

/s/ Anne Shea Gaza

Frederick L. Cottrell, III (I.D. #2555)
 Anne Shea Gaza (I.D. #4093)
 One Rodney Square
 920 N. King Street
 P.O .Box 551
 Wilmington, DE 19899
 302-651-7700
Attorneys for Defendant Alphapharm Pty., Ltd.

SO ORDERED this _____ day of _____, 2006.

United States District Judge

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¹ While the January 12, 2006 Revised Scheduling Order does not expressly provide a deadline for a responsive brief on claim construction, the parties have added it to this Stipulated Order.